
Begin forwarded message:

From: Jennifer Willoughby <cumberland.terrace@gmail.com>

Subject: Re: 517 MADISON ST.

Date: August 30, 2023 at 3:32:27 PM CDT

To: Deidre Ward <deidre.ward@cityofclarksville.com>

deidre,

The property is not subject to Design Review due to its status on the city records as a single family residence located in the Downtown Design District overlay. Mr Terrell has lived in that house as a single family home for 15years. We have closed on the home and are now the owners. I attached an excerpt from the city ordinance for your reference which details the exemption of the property from Design Review Guidelines and Standards. The property is not in any of the historic overlay Districts where the board has Design Review authority.

Our house is a single family home in the downtown design overlay district and is therefore exempt from the design review board. I believe you have indeed recognized this fact.

You are stating all projects including demolition are required to go in front of the board. Fact is that this is not true nor applied to other property owners nor myself. Only H1 district have a 'project' requirement as the director of the Planning Commission will confirm. Regardless, we are not applying for a project.

In the past 5 years, 4 different known demolition requests did not go in front of the board and even 1 in the last 2 months. Commercial or residential in the downtown design overlay district. And i am sure I can find more.

In that effect your argument is bias.

Again, I am asking you to accept our request for demolition of our dilapidated house as we have followed all requirements and shown immense patience until now.

My husband and I are also requesting an in person meeting

Best regards

Jennifer Willoughby

615-753-5539

On Oct 1, 2023, at 9:40 PM, Jennifer Willoughby
<cumberland.terrace@gmail.com> wrote:

Jennifer Willoughby

615-753-5539

www.livingdowntownclarksville.com

Hello David,

I received your letter dated 26 September 2023 in reference to my demo permit request and the city zoning ordinance states otherwise. I previously sent an email to Deidra, stating my legal position that in accordance with 9.5.1. sub para 3 the house is specifically exempted from design review since it lies

within the Downtown Urban Design Overlay. The ordinance clearly states that single family and duplex structures are excluded from review.

The property is located in the Downtown Urban Design Overlay only. Single family residences and townhouses are specifically excluded from Design review. 9.5.4 para 1 applies to buildings that are not excluded per the ordinance 9.5.1 para 3.

1 comes before 3 which comes before 4

9.5.1. Sub Para 3

Scope of Review. *Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Downtown Design Standards and Guidelines. The standards and guidelines apply to private nonresidential and multiple-family residential (excluding single-family and duplex structures) new construction, exterior remodeling or repainting; window and awning changes or improvements; signing changes and improvements; sidewalk changes and improvements; exterior lighting changes and improvements; and landscaping and parking lot construction, changes and improvements. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior elements of any building or structure; nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or demolition of any such elements, which authorized City officials shall certify as required for public safety.*

The house is not in a Historic District Overlay which specifically includes single family and duplexes in design review unlike the Downtown Urban Design Overlay District which specifically excludes single family and duplexes. The ordinance clearly delineates what is included in the Design Review authorities with respect to Single Family and duplex structures.

9.5.3 Sub Para 1A.

Districts and Sub-Districts and Use of Guidelines

*These guidelines will be used by property owners, developers, architects, builders, business owners, public officials, and interested citizens when considering rehabilitation or new construction in the **Downtown Overlay District** involving private non-residential and multiple-family residential (excluding single-family and duplex structures). They will be informational only in the case of publically owned lands and structures, and in geographic areas also designated as **Local Historic District Overlays** (where design review by the Historic Zoning Commission encompasses all private uses including single-family and duplex structures). The guidelines will also be consulted (but are not binding on the public entities) with respect to proposed infrastructure and streetscape improvement projects. While the base land use zoning districts continue to govern land use, these guidelines will supersede other provisions of this zoning ordinance only when more stringent and geographically specific standards are set forth on design and physical planning issues relative to massing, landscaping, parking, and signage. The appropriate City departments will review all new projects in the Downtown Overlay District that require building permits to ensure consistency with these guidelines. The word "shall" indicates those design standards that are mandated; whereas, terms such as "should", "encouraged", and "discouraged" indicate design principles which are more flexible and advisory in nature.*

I was told by Deidra that Building and codes was using the reference in the ordinance 9.5.4 that all projects shall be reviewed by the RPC and Design Review Board. I sent her a detailed explanation as above on why the city is wrong on this property and I have received nothing for weeks on the permit request but an asbestos survey request (sept 8) that has been promptly provided ,as well as the TDEC approval. The 10 day period is now passed. The city has not provided a response to me or my counsel as to the legality of the demolition permit denial until your letter referenced above which reverts back to what Deidra emailed me as you can see below. I am not asking to apply for a project review on the property. I do not have any plans to date to replace anything on

the lot and I do not have to provide a plan either for a single family home demolition permit .

I am simply applying for demolition permit of my dilapidated single family home that is not in a protected overlay district

Per the ordinances, no board review is required. only sign off from RPC.

I believe the city is purposely obstructing my ability to make changes to my property located at 517 Madison st for the sole purpose of appeasing opponents of my demolition specifically Jennifer Higgins Rudolph and her social media group "Growing up in Clarksville". There is non stop threats to myself and my businesses, to include one posting today by a user asking "should we hire a hitman", because the city has either failed to act reasonably on this request or has not informed Mrs. Rudolph of my rights as a property owner in the city of Clarksville. The City must acknowledge publicly, that the house is not protected by historic overlay and that the house is not on the historic register. As long as the city continues to duck and hide this will fester dissent amongst the critics. I am not saying the city is to blame for the houses demise, but I am saying that the 3 owners of the home did not make any effort to conserve the house.

Do the right thing.